

The Legal and Institutional Context of Incorporating Indigenous Knowledge into Fisheries Management

Preston Hardison and Terry Williams
Tulalip Natural Resources

Abstract

In the last two decades, indigenous knowledge has increasingly become an object of national and international law and policy. An increasing number of international processes are beginning to address legal and ethical issues surrounding the use of traditional knowledge, such as formal United Nations conventions, intergovernmental agreements and standards of practice, non-governmental organization policies, and academic society ethical guidelines. Indigenous peoples themselves are increasing their involvement in these processes, but their involvement at the international level is problematic and uneven. Here we review the evolving context of indigenous standing in international conventions such as the Convention on Biological Diversity (CBD), the United Nations Human Rights forums, and the conventions administered by the World Intellectual Property Organization (WIPO). We then review some of the major policy and guideline documents, focusing on those related to fisheries management. We then review the significant barriers to the development and implementation of these laws and guidelines into national law and standards of practice. We then review how these issues are being addressed in national legislation in Canada and the United States, and suggest policies to surmount some of these barriers.